

I'm Not A Number

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State Act 12,228 of January 11, 2006

An Act regarding commercial establishments which provide, by fee, computers and internet access devices.

The Governor of the State of São Paulo:

Make it known that the Legislative Assembly enacted and I sign into law the following Act:

Article 1 – Every commercial establishment in the State of São Paulo offering by fee computers and internet access devices, use of electronic games and software, including but not limited to lan houses, cybercafés, cyberoffices and so on are under jurisdiction of this Act.

Article 2 – Commercial establishments defined by this Act are obliged to set up and keep updated a users' roll with:

I – complete name.

II – date of birth.

III – complete address.

IV – phone number.

V – an identity number.

§ 1 – Establishment manager shall ask clients to produce identity documents when inserting data into users' roll, and whenever clients access internet.

§ 2 – Establishment shall log initial and final hours of internet use, linking it to client identification and to device used by him.

§ 3 – Establishments shall not allow the use of computers or internet access devices:

1. To persons who either don't provide information set forth by this Article or provide incomplete information.

2. To persons who either don't bear an identity document or refuse to produce it.

§ 4 – Information and logs set forth by this Article shall be maintained for at least 60 months.

§ 5 – These data may be recorded by electronic means.

§ 6 – Access to information and logs set forth by this Article shall be available by court order, only.

§ 7 – Except for situation set by § 6, it's prohibited to make public information and logs defined by this Article, unless user authorizes such a disclosure.

Article 3 – Establishments are not allowed to:

I – Grant access into establishment for persons younger than 12 years old without escorting of at least one parent or legal guardian.

II – Grant access into establishment for persons older than 12 years old and younger than 16 years old without written permit issued at least by one parent or legal guardian.

III – Grant access into establishment for persons under age (18 years old) after midnight without written permit issued at least by one parent or legal guardian.

§ 1 – In addition to information required by clauses I to IV of Article 2, under age clients must produce the following information:

1. Parents' name.

2. Name of his school and his classes' hours.

Article 4 – Establishments set forth by this Act shall:

I – Display a list of all services and games available with a brief summary and their age classification, obeying regulations of Ministry of Justice about age classification.

II – Have a healthy environment and proper illumination.

III – Have ergonomic furniture adaptable to every body complexion.

IV – Be accessible in order to allow use by handicapped persons.

V – Take all measures to prevent minors from using computers for a period longer than 3 hours without a break; it shall be a 30 minute break every 3 hours.

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VI – Set audio volume in order to adequate it to the peculiar, developing traits of children.

Article 5 – It shall not be allowed the:

I – Selling and drinking of spirited beverages;

II – Selling and consuming of cigarettes and tobacco-based products;

III – Use of videogames or championships with money prizes.

Article 6 – Failure to obey this Act shall be punished with:

I – a fine, ranging between R\$3.000 (three thousand *reais*) to R\$10.000 (ten thousand reais), in accordance to seriousness of the violation, using criteria to be later laid down by Ordinance.

II – in any case of recurrent violation, alongside with the fine, there may be suspension of activities or closure of business, in accordance to seriousness of the violation.

Article 7 – Executive Branch shall regulate this Act, particularly, the commissioning of the enforcing authority and its power to enforce punishments set by.

Article 8 – This Act is effective 30 days after its publication on the State Gazette.

Bandeirantes House, January 11 of 2006

Geraldo Alckmin

Hélio Silva, Jr.
Secretary of Justice

Saulo de Castro Abreu, Jr.
Secretary of Public Safety

Arnaldo Madeira
Chief of Staff